

REMARKS

The present communication responds to the non-final Office action of September 27, 2006 in which the Examiner rejected claims 37-47 and 51 and withdrew from consideration claims 48-50. Claims 41 and 42 were rejected under 35 U.S.C. § 112, second paragraph. Claims 37-47 and 51 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,807,323 ("Kriesel et al.").

The claim rejections are traversed in view of the above amendments and for at least the reasons articulated below, and reconsideration is requested.

Claims 37-47 and 51 are currently pending. Claims 48-50 and 52 have been cancelled. Claims 37-38, 41 and 44 have been amended. Support for the amended claims can be found in general throughout the specification and in particular, for example, at page 8, lines 8-12 and FIG. 1. No new matter has been added. There were two claims labeled 42 in the listing of claims submitted with the previous response to the Office on July 10, 2006. To correct the inadvertent clerical error in claim numbering the first occurrence of claim 42 has been renumbered as new claim 52 and subsequently cancelled.

Interview Summary

Examiner DeSanto is kindly thanked for extending the courtesy of a telephone interview with Applicant's representative on November 29, 2006. During the interview, amendments to clarify the claims were discussed, along with overcoming the rejection of the claims, aspects of the Kriesel et al. reference, and ways to distinguish claims 37-47 and 51 over Kriesel et al. It was suggested that rewording the claim language in regard to the housing and housing connecting section and adding an independent claim limitation that the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet would distinguish the claims over Kriesel et al. The Examiner indicated that claims so amended should be in condition for allowance, but if he had any concerns about the claim language that he would telephone Applicant's representative to discuss them and, if necessary, possibly enter an Examiner's Amendment to put the claims in condition for allowance.

Rejection under 35 U.S.C. §112

Claims 41 and 42 were rejected under 35 U.S.C. § 112, second paragraph.

As noted above, the first occurrence of claim 42 has been renumbered as claim 52 and subsequently cancelled.

The Examiner's suggestion about positively reciting the maximum pressure of the valve is appreciated, and has been followed by amending claim 41 to recite that the valve does not allow the flow until the fluid pressure exceeds the maximum fluid pressure of 0.3 bar.

Reconsideration and withdrawal of the rejection of claim 41 are requested.

Rejection under 35 U.S.C. § 102

Claims 37-47 and 51 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,807,323 ("Kriesel et al.").

The Examiner requested further clarification with regards to the terms "casing" and "container" and where these terms can be found in the specification and drawings so that prosecution can be expedited.

The term "casing" has been replaced in the claims by the term "housing." The terms "housing" and "container" are used in the specification, particularly on page 7, lines 20-21 which states, "The insulin dissolved in a carrier fluid is contained in a container or an ampule I, secured on a rack or in a housing G."

For further clarification, the term "connector casing" has been replaced in the claims by the term "housing connecting section." In the specification on page 8, lines 8-9, "The housing 20 serves as a connecting section for the catheter 8." *See also*, Applicant's FIG. 1.

Amended claim 37 is directed to a device for administering in doses, in particular infusing, a medicinal liquid, including a housing that includes a housing connecting section and a container from which the medicinal liquid is displaced through an outlet in doses, to be administered, wherein the housing connecting section connects the outlet to a catheter, the

catheter having a front end that is or can be connected to an administering needle, wherein the rear end of the catheter is attached to the front end of the housing connecting section, the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet, a valve positioned in the housing connecting section and arranged in a flow cross-section of the medicinal liquid, and which in order to prevent self-emptying only allows a through-flow towards the end of the catheter when the liquid pressure acting in this direction is greater than a pressure bearing on the valve as a result of the inherent weight of a liquid column in the device, wherein the medicinal liquid is displaced through the outlet by advancing a stopper, and the housing connecting section is detachably connected to the outlet and carries a connecting needle such that the connecting needle pierces a membrane sealing the outlet when the housing connecting section is connected.

Kriesel et al. discloses a syringe type apparatus including:

a dispensing device, which is generally designated in FIG. 16 as 114, includes a blunt cannula 116 which extends into inlet port 114a so that when cylindrical extension 112 of the syringe assembly is telescopically received therewithin the blunt cannula 116 will penetrate an elastomeric slit septum 110 carried within a cylindrical extension 112 provided on a syringe housing 113, which is of the general character previously described. Upon penetration of the slit septum, fluid will be free to flow from the syringe assembly through a passageway 115a provided in cannula 115 into a chamber 117 and then into passageway 116a of the blunt cannula and in a direction toward a valve means provided with the inlet portion of the dispensing device. (Kriesel et al., col. 9, lines 12-25.)

Kriesel et al. does not disclose a housing connecting section which connects an outlet to a catheter, the catheter having a front end that is or can be connected to an administering need, wherein the rear end of the catheter is attached to the front end of the housing connecting section, the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet as is recited in claim 37. (*See* Kriesel et al. FIG. 16.)

Accordingly, the rejection of claim 37 under 35 U.S.C. §102(e) should be reconsidered and withdrawn.

Rejection of the Dependent Claims

Because claims 38-47 and 51 depend directly or indirectly from the independent claim 37 and incorporate all the limitations of claim 37 they are allowable for the same reasons and, further, in view of their additional recitations.

Conclusion

The Commissioner is hereby authorized to charge any deficiencies and credit any overpayments associated with this paper to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are requested. If the Examiner has any questions he may contact the undersigned or Wendy Peterson at (612) 492-6878.

Respectfully submitted,

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